

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 00-11977-DPW
THE PRESIDENT AND FELLOWS	)	
OF HARVARD COLLEGE, ET AL.,	)	
Defendants	)	

SCHEDULING ORDER

WOODLOCK, D.J.

The above-entitled action having been heard on September 9, 2004, it is hereby ORDERED:

- (1) re: Schleiffer case: **By SEPTEMBER 30, 2004** the parties shall file a joint submission on the question of trial (witnesses, special question) re: Count 2, in light of this Court's finding on summary judgment; The parties may file simultaneous briefs on the issue of knowledge by **SEPTEMBER 30, 2004**, and the Court will accept briefing on the issue of the scope/length of the conspiracy, by **SEPTEMBER 30, 2004**;
- (2) the Court denies the Government's per se approach to damages; The Government shall give a preliminary statement of theory of damages and list of witnesses and substance of testimony, by **OCTOBER 21, 2004** (not to be filed in court); a response shall be sent by **NOVEMBER 4, 2004** (not filed in court); the parties shall then meet to address the issues raised and file a Joint Submission by **NOVEMBER 11, 2004**. The Court expects this trial will take 3 days.
- (3) By **SEPTEMBER 16, 2004** the Government shall make a written settlement demand to the parties (not to be filed with the Court); a response/counteroffer to the demand shall be sent in writing to the Government (not filed in court) by no later than **SEPTEMBER 30, 2004**;
- (4) the parties shall propose a schedule for conducting specific

discovery, not more than three (3) months;

- (5) with respect to the trial on the issue of contract damages, the Court expects the trial length to be three (3) weeks maximum, and will allocate half the time for each side.
- (6) the parties are held for trial from DECEMBER 6, 2004 forward;
- (7) A further scheduling/status conference is set for **OCTOBER 6, 2004 at 2:30PM** in Courtroom 1 on the 3<sup>rd</sup> floor before Hon. Douglas P. Woodlock, U.S.D.J.

DATED: September 9, 2004

By the Court,  
**/s/ Rebecca Greenberg**  
Deputy Clerk